REMARKS

This responds to the Office Action mailed on October 24, 2006.

Claims 1, 2, 4-7, 9 12, 15, and 20-25 are amended, claims 3, 11, and 19 are canceled without prejudice to the Applicants; as a result, claims 1-10, 12-18, and 20-25 are presently pending in this application. Support for the amendments may be found throughout the original filed specification as examples the Examiner's attention is directed to the last paragraph of page 9, all of page 10, and the paragraph on page 13 beginning with "Figure 10."

§103 Rejection of the Claims

Claims 1-10, 12-18 and 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. (U.S. 5,983,227) in view of My Yahoo (Wayback Machine article dated December 12, 1998), and further in view of Haggle Online Account Maintenance (Wayback Machine article dated June 29, 1998). It is of course fundamental that in order to sustain an obviousness rejection that each and every element or step in the rejected claims must be taught or suggested in the proposed combination of references. Moreover, a proposed combination or references is only proper when there is evidence that one of ordinary skill in the art would have motivation to combine the references in the manner proposed by the Examiner.

Applicants would further like to point out that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art recited also suggests in some manner the desirability of the proposed combination. *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). Applicants would also like to note that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002); *Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998). This requirement is rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decision making, as it is in 35 U.S.C. § 103. See id, at 1344-45." *In re Kahn*, No. 04-1616 (Fed. Cir. March 22, 2006).

It has also been held that when the primary teachings of one reference is negated or taught against or taught away from another reference in the proposed combination, then it is

common sense that one of ordinary skill in the art would not have been motivated to combine the references in the manner being proposed, because in so doing the very teachings that are asserted to be complimentary are by definition not complimentary to one another. Thus, there is no motivation by one of ordinary skill in the art to combine the references. It is also the case that the intended functions of the references being combined cannot be destroyed when combined. *See In re Grasselli*, 713 F.2d 731, 743; 218 USPQ 769, 779 (Fed. Cir. 1983).

Initially, Applicants would like to point out that turning a session cookie off or not permitting it to be set may be well known in the art now; but, the Examiner has provided no evidence whatsoever of record that it was well known in the art as of the time Applicants' filing. Therefore, Applicants object to this conclusory rejection that lacks support in the art. Moreover, even if this were the case as asserted by the Examiner, which Applicants do not agree with, that is a feature accessible within the browser and not a feature associated with login preferences or access preferences as Applicants' have identified in the amended claims. In other words, this is done for all sites within a browser to set security, Applicants are not aware of any ability to do this for a particular set of features within a single service from within the browser. Even then, it still must be done through the browser and is not done via access preferences or login preference information as is now required in the amended claims. Thus, the rejection with respect to this aspect of the invention should be withdrawn.

Moreover, even assuming, arguendo, that a session cookie can be denied in the manner Applicants have claimed, there is no indication that a session cookie is removed when a session ends. That is, the argument applies to a general cookie if at all. The notion of a session cookie is something entirely different and it is entirely missing from each of the references. Nazem is the only reference mentioning cookies and it does so within the normal context of cookie usage from a point of view of the browser (See Nazem column 3 lines 15-21) and does not permit a user to selectively alter whether a cookie is set or not; moreover the cookie used does not store login preference information or access preferences, it stores the user's identity information or login information, not preference information. In fact, most usage of cookies store login information. Applicants are entirely unaware of any cookie usage prior to the date of Applicants' filing that stored session cookies related to login preference information or access preferences in the

manner recited in the amended claims. Such combination is not obvious and Applicants do not believe that it was well known in the art as described in detail above.

Next, Applicants would like to point out that the features now require each of the ones recited in the claims and are not now limited to just one feature. Consequently, the references lack any teaching of chatting. It is true the Yahoo reference mentions chatting but if the Examiner notices this is before the user is ever logged in to the My Yahoo site and that page prior to login simply lists all the available Yahoo features from the Yahoo site. The example login for user once logged into the My Yahoo does not provide an option anywhere for chatting. It is also noted that the Nazem reference is completely devoid of any chatting feature and it appears to correspond to the My Yahoo features described in the Yahoo references.

Furthermore, the Haggle Online reference fails to teach where features are selectively activated, if the Examiner notices this reference permits a user to display an account status and once activated it displays information related to all the items. In other words, features are not selectively activated based on the identity of the user. The user simply gets a canned set of information in an account status page that amalgamates all the features together.

Additionally, the Haggle Online reference provides no indication that it is related to an auction site. As Applicants understand it, Haggle Online is for bartering, which is not the same as an auction site. Even if this is tenuous, Haggle Online does not provide user customization it provides a single interface to the users. Thus, it is not likely that it would be combined with the other references by one of ordinary skill in the art because it is not related to the other references, which deal with custom page generation. In fact, if the references were combined then Haggle Online would not work as planned because the account status would have to be altered to selectively activate different portions identified in the account status and would have to be made interactive rather than just a display of historic information. There is no indication that this could be done in Haggle without substantially altering the features of Haggle. Consequently, Applicants believe that Haggle cannot be combined with the other references and its usage should be withdrawn.

One last point Applicants would like to make is that none of the references provide any indication that each feature could include an option that the user sets that would make the user supply a password each time the user attempts to access that feature.

For all these reasons, the rejections of record should be withdrawn and the claims allowed. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

JENNIFER PEARSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date January 24, 2007 By /Joseph P. Mehrle/

Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of January 2007.

Peter Roboffoni
Name

Signature